

REMARKS

This responds to the Office Action dated May 19, 2006, and the references cited therewith.

Claims 1, 3-23, 25, 26, 29 and 30 are amended, no claims are canceled or added; as a result, claims 1-30 are now pending in this application.

Claims 1, 3-23, 25, 26, 29 and 30 were amended, at least in part, to correct errors in antecedent basis and form. Applicant respectfully submits the error and form amendments make clear that which was already present in the claims.

Interview Summary

Applicant's representative, Tom Obermark, thanks Examiner Bouchelle for the courtesies extended during the interview on August 10, 2006. Independent claims 1, 11, 19, 23 and 26 were discussed in light of the cited references. The Examiner indicated that the claims as presently presented make clear what had already been claimed, and distinguished over the cited references.

§102 Rejection of the Claims

Claims 1-6, 9, 10, 19-22, 23-25, 26-30 were rejected under 35 U.S.C. § 102(b) for anticipation by Imran et al. (US 5,588, 964).

Claims 1-6, 9 and 10

Applicant respectfully traverses the rejections of claim 1-6, 9 and 10 for at least the following reasons. Applicant can not find in Imran, for example, a flexible element extending from the housing through the actuator lumen to the deflectable distal end, the deflectable distal end is controllable by at least one of pushing or pulling of the flexible element, and a first tubular support coupled to the flexible element therein and coupled to an actuator mechanism disposed within the housing, the first tubular support substantially constrains lateral movement of the flexible element, as recited in claim 1. Claims 2-6, 9 and 10 depend from claim 1 and thereby include all of its recitations.

Applicant respectfully traverses the Office Action statement at page 2, paragraph 2, “Imran discloses . . . a flexible element that controls the deflection of the distal end (Col. 3, lines 10-15), a first and second tubular support 151, 164 telescopically coupled (Col. 6, line 57 – Col. 7, line 15).” Instead, Applicant submits that Imran states:

“The means for adjusting the *bend location* . . . of the distal extremity 133 . . . is in the form of a telescoping assembly 151. To increase the length of the stiff portion extending beyond the bend, it is merely necessary to withdraw proximally the flexible elongate element 171 which will first pull the inner cylindrical member 164 proximally to increase the length of the stiff portion.”

Imran column 6, lines 24 to column 7, line 5. Applicant respectfully submits the “flexible element that controls the deflection of the distal end (Col. 3, lines 10-15),” and “first and second tubular support 151, 164 telescopically coupled (Col. 6, line 57-Col. 7, line 15),” as stated in the Office Action at page 2, paragraph 2, are separate elements and fail to teach a flexible element extending from the housing through the actuator lumen to the deflectable distal end, the deflectable distal end is controllable by at least one of pushing or pulling of the flexible element, and a first tubular support coupled to the flexible element therein and coupled to an actuator mechanism disposed within the housing, the first tubular support substantially constrains lateral movement of the flexible element, as recited in claim 1.

Reconsideration and allowance of claim 1-6, 9 and 10 are respectfully requested.

Claims 19-22

Applicant respectfully traverses the rejections of claims 19-22 for at least the following reasons. Applicant can not find in Imran, for example, means for constraining lateral movement of the flexible element within the actuator lumen, as recited in claim 19. Claims 20-22 depend from claim 19 and thereby include all of its recitations.

Additionally, Applicant respectfully submits claim 19 is a means plus function claim under 35 U.S.C. § 112, paragraph 6. MPEP § 2183 requires the Office Action to make a *prima facie* case of equivalence under 35 U.S.C. § 112, paragraph 6 including an explanation or a rationale as to why the disclosure of the cited reference is equivalent to the corresponding elements disclosed in the specification. The Office Action has not presented an explanation or a

rationale as to why the disclosure of Imran is equivalent to the corresponding elements disclosed in the specification as required by the MPEP § 2183. Applicant respectfully submits that the cited reference does not appear to disclose an equivalent to the corresponding elements disclosed generally in the specification, for instance, Figures 2, 3 and 8-18, and the associated written description.

Reconsideration and allowance of claims 19-22 are respectfully requested.

Claims 23-25

Applicant respectfully traverses the rejections of claims 23-25 for at least the following reason. Applicant can not find in Imran, for example, constraining lateral movement of the flexible element including bracing the flexible element with the first tubular support and second tubular support, and further manipulating the actuator member to thereby actuate the flexible element and deflect the deflectable distal end into a disparate orientation, as recited in claim 23. Claims 24 and 25 depend from claim 23 and thereby include all of its recitations.

Reconsideration and allowance of claims 23-25 are respectfully requested.

Claims 26-30

Applicant respectfully traverses the rejections of claims 26-30 for at least the following reason. Applicant can not find in Imran, for example, manipulating a deflectable catheter assembly into a first orientation, the catheter assembly including a first tubular support coupled to the flexible element and coupled to the actuator member, and a second tubular support slidably coupled to the flexible element and slidably coupled with the first tubular support, and further manipulating the actuator member to thereby advance the flexible element and deflect the deflectable distal end into a disparate orientation, as recited in claim 26. Claims 27-30 depend from claim 26 and thereby include all of its recitations.

Reconsideration and allowance of claims 26-30 are respectfully requested.

§103 Rejection of the Claims

Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imran in view of Hunjan et al. (US 5,656,030).

Applicant respectfully traverses the rejections of claims 11-16 for at least the following reason. Applicant can not find in the proposed combination of Imran and Hunjan, for example, a flexible element extending from the housing through the actuator lumen to the bi-directional deflectable distal end, the bi-directional deflectable distal end is controllable by at least one of pushing or pulling of the flexible element; a first tubular support coupled to the flexible element and coupled to an actuator mechanism disposed within the housing; and a second tubular support slidably coupled with the first tubular support, as recited in claim 11. Claims 12-16 depend from claim 11 and thereby include all of its recitations.

Reconsideration and allowance of claims 11-16 are respectfully requested.

Allowable Subject Matter

Claims 7, 8, 17 and 18 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant graciously acknowledges the allowability of claims 7, 8, 17 and 18 if rewritten in independent form as indicated above. Applicant believes the independent claims from which dependent claims 7, 8, 17 and 18 depend (claims 1 and 11) are allowable for at least the reasons stated above. Applicant reserves the right to rewrite claims 7, 8, 17 and 18 in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GREG PUDELKO ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2117

Date

8/21/06

By



Thomas C. Obermark
Reg. No. 55,506

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of August 2006.

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Name

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